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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/642,904      | 08/18/2003  | Marcus Gerrard Lindsey | L1172               | 3198             |

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08/11/2005

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

|                               |   |  |
|-------------------------------|---|--|
| Application No.<br>10/642,904 | Applicant(s)<br>LINDSEY, MARCUS GERRARD |  |
| Examiner<br>Stephen L. Blau   | Art Unit<br>3711                        |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 6-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/18/03 as amended 11/19/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>8/2/05</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show how to seal a tubular single piece of material to the handle at only a top and bottom of a grip as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The specification is objected to under 37 C.F.R. rule 1.71 as not being written in a full, concise and exact terms as to enable one skilled in the art to make the same. Specifically it is uncertain how to seal a tubular single piece of material to the handle at only a top and bottom of a grip.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 3-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically it is uncertain how to seal a tubular single piece of material to the handle at only a top and bottom of a grip as stated in claim 1. The drawings do not show this and the specification does not talk about how to do this.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (5,355,552) in view of Koch.

Huang discloses a handle for a golf club in the form of a solid core (201, Figs. 22-26), a grip comprising an outer layer (205) and an internal bladder (207, Col. 6, Lns. 28-36) attached to a handle (Figs. 22-26), a bladder (207) being air tight between an outer layer (205) and a handle (201), inflating the bladder to the desired size (Col. 6, Lns. 16-22), and a finger pump to introduce air being placed at a top of a handle (209)(Figs. 23 and 25).

Huang lacks a grip comprising a tubular, thin, elongated, circular, and solid piece of material placed over a handle and sealed to a handle only at a top and bottom of a grip and an air duct to pass from a finger pump down through a handle to between a handle and a grip.

Koch discloses a grip (54) sealed mounted to a shaft (44) containing a pressurized fluid for handle for a golf club in the form of a shaft (44) where the grip is comprises a bladder in the form of a tubular, thin, elongated, circular and solid piece of material (Ref. No. 54, Figs. 8-9) placed over a handle and sealed to a handle only at a

top and bottom of a grip (Col. 6, Lns. 2-5) containing a pressurized fluid (Col. 6, Lns. 53-68) and a duct through a handle to allow fluid to go back and forth to a pressurized area between a grip and handle (Fig. 9, Ref. No. 88).

In view of the patent of Koch it would have been obvious to modify the grip of Huang to have a grip comprising a tubular, thin, elongate, circular and solid piece of material placed over a handle and sealed to a handle only at a top and bottom of a grip in order to minimize the amount of bladder material use to form a compartment to hold pressurized air used for a grip.

In view of the patent of Kock it would have been obvious to modify the grip of Huang to have an air duct to pass a fluid from a top of a grip to pressurized area between a handle and a grip down through a handle in order to utilize an alternative way to direct pressurizing fluid to between a grip and a handle which is used in the market place and in order to have ducts which are less likely to collapse for a grip due to being in the stronger shaft material.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (5,355,552) in view of Koch as applied to claims 1, 3, and 5 above, and further in view of Squadroni and Official Notice.

Huang lacks a grip being formed of rubber.

Squadroni discloses a grip (Fig. 2) with a portion of it being an inflated elastic material (Claim 3). The examiner makes Official Notice that a well known inflatable elastic material known is rubber. In view of the patent of Squadroni and the examiner's

Official Notice, that it would have been obvious to modify the inflatable tubular grip of Huang to be made of rubber in order to utilize an inflatable elastic material used in the market place for inflating.

8. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsberger in view of Squadroni or Koch.

Landsberger discloses an implement having a handle (14), and adjustable air-tight grip attached to the handle, a grip comprising a tubular solid, single piece of material placed over the handle (Fig. 4), means to introduce air between a grip and a handle (6) for inflating the grip to the size desired and means to release the air between the grip and a handle to commensurate with the manual capabilities of a user (Col. 1, Lns. 34-50) in order to have totally resilient handle providing maximum degree and comfort and utility for those with poor hand muscle or motor control as arthritic conditions (Col. 1, Lns. 1-22).

Landsberger lacks a sports implement, a grip material sealed to a handle only at the top and bottom of a grip, and a grip being circular. Squadroni discloses a sports implement (Col. 1, Lns. 11-15) where a circular (Fig. 4) tubular solid piece of material (15) is placed over a core shaft of a handle (12) where the grip material is sealed only on at a top and bottom of the handle area (Fig. 1) for inflating with air (Col. 1, Lns. 30-36). Kock discloses a sports implement (Fig. 2) where a circular (Fig. 8) tubular solid piece of material (54) is placed over a core shaft of a handle (44) where the grip material is sealed only on at a top and bottom of the handle area (Fig. 9) for filling with a

fluid to pressurize a grip (Col. 6, Lns. 34-44). In view of Squadroni or Koch it would have been obvious to modify the implement of Landsberger to be for a sports device with a grip being circular in order to provide a grip for a sporting device having a circular handle to commensurate with the manual capabilities of a user having a totally resilient handle and providing maximum degree and comfort and utility for those with poor hand muscle or motor control as arthritic conditions. In view of Squadroni or Koch it would have been obvious to modify the implement of Landsberger to have a grip material sealed to a handle only at the top and bottom of a grip in order to minimize the amount of grip material needed to hold fluid in the form of air used for a grip.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landsberger in view of Squadroni or Koch as applied to claims 1 and 3 above, and further in view of Official Notice.

Landsberger discloses a grip being made of any suitable gauge inflatable material providing continuous inflating and leak proof (Col. 1, Lns. 35-50).

Landsberger lacks a grip being formed of rubber.

Squadroni discloses a grip (Fig. 2) with a portion of it being an inflated elastic material (Claim 3). The examiner makes Official Notice that a well known inflatable elastic material known is rubber. In view of the examiner's Official Notice it would have been obvious to modify the inflatable grip of Landsberger to be made of rubber in order to utilize an inflatable elastic material used in the market place for inflating.



10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landsberger in view of Squadroni or Koch as applied to claims 1 and 3 above, and further in view of Huang (5,355,552).

Landsberger lacks a means to introduce air being a finger pump placed at a top of a handle, an air duct to pass from a finger pump down through a handle to between a handle and a grip.

Kock discloses a duct through a handle to pass a fluid to pressurize an area between a grip and handle (Fig. 9, Ref. No. 88). Huang discloses a source of introducing a pressurized fluid between a grip and a handle being a finger pump (209). In view of the patent of Huang it would have been obvious to modify the sports element of Landsberger to have a means to introduce air being a finger pump placed at a top of a handle in order to prevent one from having to use their mouth to pressurize the area between the grip and the handle. In view of the patent of Kock it would have been obvious to modify the sports element of Landsberger to have an air duct to pass a fluid from a top of a grip to pressurized area between a handle and a grip down through a handle in order to utilize a known way to direct pressurizing fluid to between a grip and a handle which is used in the market place.

### ***Response to Arguments***

11. Due to the new 35 U.S.C. 112, first paragraph rejection and the new prior art rejection the finality of the previous rejection has been removed for this case.

**Conclusion**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 571-273-8300)

slb/ 3 August 2005

  
**STEPHEN BLAU**  
**PRIMARY EXAMINER**